

# ONE PERCENT RULE & ELIGIBILITY DETERMINATIONS

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October 28, 2020



**RIDE** Rhode Island  
Department  
of Education

# Agenda

- 2020-21: Overview of the Year Ahead
  - SETTT Grant
  - Alternate Assessments
- Overview of ESSA and 1% Rule
- Calculating the 1%
- Eligibility Criteria
- Warning Signs!
- Documentation of Evidence Form
- Contact Information

# 2020-21

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Overview of the Year Ahead

# SETT for Success!

## *Special Educator Technology-Based Training of Trainers*

**ATLAS (DLM/University of Kansas)** approached DLM states to find partners to assist with developing PD materials for teachers of students taking the DLM alternate assessments.

- **States:** Rhode Island, Iowa, Maryland
- **RI LEAs:** Pawtucket & Woonsocket School Departments.
- **RIPIN:** Rhode Island Parent Information Network will also participate in this work.

This grant will:

1. **develop an online platform** that compiles, organizes, and packages PD modules and related resources developed by ATLAS and partner states.
2. **develop a model** of using these resources that helps teacher-trainers design and deliver PD to special educators.
3. **develop and deliver teacher-trainer PD** and coaching in how to use the SETTT resources to train special educators.
4. **build and sustain a virtual community of practice** for teacher-trainers.

# SETT for Success! Grant

*Special Educator Technology-Based Training of Trainers*

## **RIDE, Pawtucket, and Woonsocket will:**

- collaborate with ATLAS and educators on SETTT design and resources by giving feedback;
- serve as participants in a pilot version of the PD for trainers;
- give feedback and help plan for improvements before SETTT expands to other districts and states; and
- continue to use the improved SETTT model and receive additional support for trainers in 2022.

# SETTT Timeline

- **Year One (2021):**

- Grant begins on November 1, 2020
- Development of platform and resources
- Two districts per state (Pawtucket and Woonsocket)

- **Years Two - Four (2022 – 2024):**

- Two LEAs per year will be asked to participate, receive SETTT training and materials, and coaching to use those materials.

# COVID-19 and the State Assessments

- As of today, RIDE is planning for administration of the state assessments as we would during any other school year. However:
  - Assessment dates and policies may shift to accommodate changes in response to Covid-19.
  - RIDE's Assessment Team will notify district and school test coordinators of any changes or updates that impact any part of the state assessment system.

# Alternate Assessment

[www.ride.ri.gov/dlm](http://www.ride.ri.gov/dlm) and [www.ride.ri.gov/tc](http://www.ride.ri.gov/tc)

## Dynamic Learning Maps (DLM)

- **Testing Window:**
  - April 5 – May 21, 2021
- **Content Areas and Grades\*:**
  - **Math:** grades 3-8, 11
  - **ELA:** grades 3-8, 11
  - **Science:** Grades 5, 8, 11

## Alternate ACCESS for ELs

- **Testing Window:**
  - January 4 – February 12, 2021
- **Content Area:**
  - English language proficiency
- **Grades:** K-12

### NOTES:

- DLM is not given at grade 10. If a student is found eligible for the DLM alternate assessments and is an English learner, they will take both the DLM and the Alternate ACCESS for ELs, depending on their current grade level.



# Training for State Assessments

[www.ride.ri.gov/assessment-training](http://www.ride.ri.gov/assessment-training)

## Test Administrator Training

- Alternate ACCESS for ELLs available now
- DLM test administrator training available now.
  - 2020-21 Guide to Required Training [PDF] available at link above.
  - All teachers need an active Educator Portal account. Contact your special education director or district test coordinator if you don't have one.

## • Test Coordinator Training

- **October 29:** ACCESS for ELLs test coordinator training webinar.
- DLM test coordinator modules available now at link above.
  - 2020-21 Guide to Required Training [PDF] available at link above.
  - Make sure teachers have an active Educator Portal account. If you need an account, contact: [heather.heineke@ride.ri.gov](mailto:heather.heineke@ride.ri.gov)

# OVERVIEW OF ESSA AND THE 1% RULE

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# Goals and Outcomes of Alternate Assessment & the One Percent Rule

## Goals of the Alternate Assessment and ESSA:

- To include students with significant cognitive disabilities in assessment and accountability.
- To ensure that standards-based skills and content are taught at levels that are meaningful and challenging.
- To determine which knowledge and skills students have learned.
- To provide information to schools and parents/guardians on the achievement of students with significant disabilities (i.e., what they can do).

## Goal of the One Percent:

- To ensure that all students found eligible for the alternate assessments are properly identified by collecting and using relevant evidence for each of the three criteria.

# Every Student Succeeds Act (ESSA):

## The One Percent Rule for Statewide Alternate Assessments

“The total number of students assessed in a subject using an alternate assessment aligned with alternate academic achievement standards...may not exceed 1% of the total number of students in the state who are assessed in that subject.”

**LEAs** may exceed 1%, but only under these conditions:

- **They are a small LEA:** Between 0 and 1,000 students enrolled (K-12).
- **They are a specialized LEA** serving students with disabilities.

**States** may not exceed 1%, but may request a one-year waiver, if 95% of students were assessed.

# Waiver Extension Request Process 2020-21

## **SEA Waiver Submission:**

- 2018 and 2019: Waivers submitted.
- 2020: The waiver request was rescinded because state assessments were canceled due to COVID-19.
- 2021: State waiver will be submitted.

## **LEA Waiver Action Plan Submission for LEAs over 1%:**

- Assurances Form signed
- 2021: No Actions Plans need to be submitted.

# Assurances Form

All One Percent Resources are at: [www.ride.ri.gov/dlm](http://www.ride.ri.gov/dlm)

- By the end of November, 2020 all LEAs must submit an Assurances Form
- Assurances:
  1. Train IEP Teams on Eligibility Criteria
  2. Ensuring that IEP Teams correctly identify students using the criteria
  3. Parents are informed that the student will participate in DLM and explain any implications of this decision.
  4. A signed Participation Criteria for Alternate Assessments Form is in each student's record.
  5. LEAs have a written plan to assess 95% of all students, including 95% of students with disabilities.

# What we learned from reviewing the LEA Action Plans

- **LEAs requested assistance in the following areas:**
  - training teachers to write IEP Goals aligned to the EEs.
  - understanding the EEs and using them to develop instructional plans.
  - Developing a process to make eligibility determinations that relies on and uses evidence.
  - LEAs need more professional development opportunities for teachers who teach students with significant cognitive disabilities.

# Statewide Training Plan

[www.ride.ri.gov/assessment-training](http://www.ride.ri.gov/assessment-training)

- **SETTT**
  - Year one: Woonsocket and Pawtucket
  - Following Years: *Is your district ready??*
- **Professional Learning Communities focused on the Essential Elements**
  - For classroom teachers
  - Will include discussion of ELA, Math, and Science EEs.
  - Agenda, schedule, and registration TBA
- **District Special Educator Training**
  - Schedule and registration TBA
- **District-Specific Technical Assistance**
  - Available to small number of districts upon request.
- **Accommodations**
  - Schedule and registration at web page above and at [www.ride.ri.gov/accommodations](http://www.ride.ri.gov/accommodations).



# CALCULATING THE 1%

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What percentage of students were assessed using the alternate assessments?

## Who is included in the calculations?

Content Area	Grade Levels	Alternate Assessment	General Education Assessment
ELA	3-8, 11	DLM ELA	RICAS and SAT
Mathematics	3-8, 11	DLM math	RICAS and SAT
Science	5, 8, 11	DLM science	NGSA

# 1% Calculation

*Calculated for each content area and subgroup separately*

**DLM:** Total *assessed* students

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**DLM, RICAS, SAT, NGSA:** Total  
*assessed* students

$$\times 100 = \% \text{ assessed}$$

## NOTES:

- Grade 10 does not have an alternate assessment. Students assessed with PSAT10 are not included in calculations.
- No test scores are used.
- Includes students enrolled in the LEA who took the state assessments in an outplacement school either within or outside of Rhode Island.
- Same calculation for all subgroups.

## Alternate Assessment Participation Rate Across Years

	2016-17	2017-18	2018-19	2019-20
Total number assessed	76,476	75,169	73,759	Canceled
Total students assessed using DLM	900	994	933	
Percent assessed using DLM	1.2%	1.34%	1.26%	
Number of LEAs exceeding the 1% cap		27	29	
Percent of LEAs over 1.00%			48%	

# OVERVIEW OF ELIGIBILITY CRITERIA FOR ALTERNATE ASSESSMENTS

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# THE THREE ELIGIBILITY CRITERIA

1. Student has a disability, or disabilities, that significantly impacts cognitive function and adaptive behavior.
2. As documented in the IEP, the student's present levels of academic achievement indicate their ability to make progress through the alternate achievement standards (EEs) *and* the short term objectives include skills and concepts reflected in the steps found in the alternate achievement standard (EEs) learning maps, *and* the annual academic goals are closely aligned to grade-level alternate achievement standards.
3. The student is unable to apply academic, life, and job skills in home, school, and community without intensive, frequent, and individualized instruction and supports in multiple settings.

# CRITERIA 1

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# CRITERIA 1: STUDENT HAS A SIGNIFICANT COGNITIVE DISABILITY

- **Student has a disability, or disabilities, that significantly impacts cognitive function and adaptive behavior.**
- In other words....
  - The student has a disability or multiple disabilities that prevents them from participating in a meaningful way in the standard academic classes and coursework
  - the student's disability (or disabilities) causes dependence on others for many, and sometimes all, daily living needs, and the student is expected to require extensive ongoing support in adulthood.



# WHAT IS COGNITIVE ABILITY?

- WHAT IT IS: How the brain functions/processes events and surroundings and interacts with others and their environment
- WHAT IT IS NOT: Not physical challenges such as: feeding tubes, wheelchair use, visual or hearing impairments, ability (or inability) to use their body independently, medical challenges such as seizures, degenerative diseases
- The role communication plays in determining cognitive ability:
  - Students who cannot, won't, or don't have a robust communication method do not automatically qualify for the alternate assessment. For example: eye gaze; limited use of their body
  - Consider the student's interactions with their surroundings and others, not just communication ability

# CRITERIA 2

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## CRITERIA 2: INSTRUCTION AND LEARNING GOALS

- As documented in the IEP, the student's present levels of academic achievement indicate their ability to make progress through the alternate achievement standards (EEs) and the short term objectives include skills and concepts reflected in the steps found in the alternate achievement standard (EEs) learning maps, *and* the annual academic goals are closely aligned to grade-level alternate achievement standards.
- In other words...
  - the student has access to the Common Core State Standards and the Next Generation Science Standards.
  - the student is working on learning standards that have been substantially modified due to the severity of the disability (e.g., the Essential Elements that are part of the Dynamic Learning Maps alternate assessments).
  - Life and job skills that are appropriate and challenging for this student are also included.

# CRITERIA 3

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## Criteria 3: Applying Skills in Multiple Settings

- The student is unable to apply academic, life, and job skills in the home, school, and community without intensive, frequent, and individualized instruction and supports in multiple settings.
- **In other words...**
- What the student needs in order to learn is extensive, repeated, and individualized instruction from teachers and others.
- The types of materials needed in order for the student to learn are significantly customized for that specific student.
- How the student demonstrates what they know and can do requires substantially different materials and supports, including those supports that help a student communicate.

# WHAT ARE FUNCTIONAL SKILLS?

- **Definition of functional skills:** Skills that allow the student to take care of themselves physically, mentally, and emotionally, including interpersonal skills. Functional academic skills are skills used in everyday life (ex. Reading signs, instructions, emergency numbers, etc. and knowing the contexts in which to utilize them.)
- **Evaluating functional skills:**
  - Holistic skill set, not looking for a discreet/checklist set of skills.
  - Does not include any physical disabilities/limitations the student may have.
- **Examples of possible evidence:**
  - Independent Living Questionnaire
  - Student Summary Sheet
  - Observations of parents/caretakers/teachers

# The Importance of Appropriate Evidence

- It is important to have multiple sources of evidence in order to make the most appropriate decision for a student for two reasons:
  1. It prevents decision-making that relies on only one type or source of information.
  2. It provides a more complete picture of how the student is learning and interacting in several different settings and under different circumstances.
- The following slides outline the types of evidence and information most helpful for making these decisions as well as that information and data that is not, under any circumstances, to be used to make an eligibility decision.

# Evidence: LEA Representative and Teacher

- LEA needs to look for during a review *prior to* the IEP Team meeting:
  - That the most current evidence was used.
  - That appropriate evidence was used to make the determination. Was data/evidence from the families included?
  - How the teacher used the evidence to make the decision.
  - That the Documentation of Evidence Form is complete.
  - How the evidence and recommendation will be communicated to the family. What “non-jargon” terms will be used?
  - How will the IEP Team Assurances Form be explained to families?
  - Be available to support teachers through this process.
- Teacher needs to collect and analyze:
  - Observations from classroom work.
  - Data (diagnostic, state assessments, family surveys, student work, transitional assessments)
  - Complete the Documentation of Evidence Form
  - Need access to the LEA and district special ed director during this process to answer questions and help them sort through the evidence.



# WARNING SIGNS

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Indications that a student does not meet the criteria OR you need to take another look at their eligibility.

# Reconsidering eligibility for the alternate assessment

You may need to revisit the student's eligibility status if you find the following:

- The student received a score on a general education state assessment.
- Their primary disability category is a learning disability, speech/language, blindness/visual impairment, or other health impairment
- The reason provided as to why the student qualified is that:
  - “ they are in a life skills, self-contained, alternate assessment class”, or
  - anything having to do with “behaviors” as the primary issue, or
  - “they have an IQ of...”, or
  - “they scored in the \_\_\_\_ percentile of the X test”, or
  - “they can’t communicate”
  - “they are \_\_\_\_” (fill in with a disability category).

# Reconsidering eligibility for the alternate assessment

You may need to revisit the student's eligibility status if you find the following:

- They take a content-area class in a general education setting with their typical peers without significant supports and modifications.
- They are slightly below, or even at, grade level in one content area.
- The student **never** took the alternate assessment and then, in middle or high school, they do.

## What not to use to make an eligibility decision

- Disability category
- Poor attendance or extended absences, for any reason.
- Poor performance on the general education academic assessments.
- English Language Learner (EL) status.
- Impact of the student's test scores on the accountability score of the school and/or LEA.
- Location of special education services in more restrictive settings
- Amount of time receiving special education services
- Variety of services received
- Behavior issues, including test anxiety
- Administrator decision

# DOCUMENTATION OF EVIDENCE FORM

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## NEW OPTIONAL DOCUMENTATION OF EVIDENCE FORM

The criteria is given along with possible evidence to evaluate whether or not a student is eligible to meet the criteria. **NOTE:** LEAs can add specific evidence/data that they expect to see being used to make eligibility decisions.

**CRITERIA 1. Student has a disability that significantly impacts cognitive function and adaptive behavior.**

**EVIDENCE:**

Results of Individual Cognitive Ability Test\*

Results of Adaptive Behavior Skills Assessment\*

Results of informal assessments

Results of speech/augmentative communication evaluations (can the student communicate in an age-appropriate way that demonstrates their ability to stay safe and take care of themselves effectively?)\*

**OTHER:**

**DIRECTIONS:** Evidence with asterisks (\*) will provide the strongest evidence toward making an eligibility decision. However, you can use additional evidence to support the eligibility decision (List 1 on page 10). For each piece of evidence with an asterisk, describe how the evidence shows that the student's disability, or disabilities, impact their cognitive function and adaptive behavior.

This section is where teachers can cite specific page numbers, section of reports, and data that addresses the criteria. They can attach the page(s) from the IEP and evidence they use.

## CRITERIA 2

**CRITERIA 2.** As documented in the IEP, the student's present levels of academic achievement indicate their ability to make progress through the alternate achievement standards (EEs) *and* the short term objectives include skills and concepts reflected in the steps found in the alternate achievement standard (EEs) learning maps, *and* the annual academic goals are closely aligned to grade-level alternate achievement standards.

**EVIDENCE:** Present levels of academic and functional performance, goals and objectives from current and past IEPs and the Essential Elements, and examples of student work.

**DIRECTIONS:** List the present levels of academic and functional performance and the Essential Elements and/or learning map steps they most closely align to. Essential Elements and learning map documents can be found at [www.dynamiclearningmaps.org](http://www.dynamiclearningmaps.org)

This section is where teachers can list or attach the page in the IEP that has the academic and functional performance descriptions and the EEs they will be addressing throughout the year. Again, teachers can attach pages from the IEP directly to this form.

# CRITERIA 3

**CRITERIA 3.** The student is unable to apply academic, life, and job skills in home, school, and community without intensive, frequent, and individualized instruction and supports in multiple settings.

**EVIDENCE:**

Parent and guardian observations of the student in settings outside of school.\*

Examples of work samples from school in life skills, reading, mathematics, science, writing, etc.\*

Descriptions of community-based instruction (example: home-based therapy services).\*

Career Development Plan (CDP) or Person-Centered Planning.\* *(As applicable, if the student is age 14 or older).*

OTHER:

**DIRECTIONS:** Evidence with asterisks (\*) will provide the strongest evidence toward making an eligibility decision. However, you can use additional evidence to support the eligibility decision (List 1 on page 10). For each piece of evidence, describe how the evidence shows the student's ability to apply academic and life skills and concepts in the home, school, and community.

This section is where teachers can cite and reference data, page numbers of reports, quotes from reports, etc. that align to criteria 3.



# Contact Information

Right now, email is the best way to contact us.

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